

2007

**TOWN OF FAIRHAVEN  
SHELLFISH  
REGULATIONS**

PLEASE READ THIS DOCUMENT

**IT IS YOUR  
RESPONSIBILITY  
TO KNOW THE RULES  
AND REGULATIONS  
GOVERNING OUR  
SHELLFISHERY**

SHELLFISH CONSTABLE

OFFICE # 508-984-4529

## F E E S        S H E L L F I S H    P E R M I T S

(PERMITS ARE FROM APRIL 1<sup>ST</sup> - MARCH 31<sup>ST</sup> OF EACH YEAR)

RESIDENT/NON-COMMERICAL	\$22.00
RESIDENT/SENIOR CITIZEN (62 Yrs. & up)	NO CHARGE
*COMMERCIAL/RESIDENT	\$250.00
*STUDENT COMMERCIAL	\$125.00
NON-RESIDENT/NON-COMMERICAL	\$125.00
DREDGE BOAT LICENSE	\$400.00
SHELLFISH GAUGE	\$4.00

\*NOTE: ALL COMMERCIAL/RESIDENT MUST SHOW A SELLER'S CARD (BED CERTIFICATE) PRIOR TO ISSUE OF A COMMERCIAL SHELLFISH LIC. (DREDGE BOAT LIC. INCLUDED)

\*NOTE: STUDENT COMM. LIC. MUST SHOW PROOF OF RESIDENCY AND THAT THEY ARE A STUDENT (AGES ARE FROM 15 YRS. – 18 YRS.) IN EFFECT JUNE 1<sup>ST</sup> – SEPT. 30<sup>TH</sup> OF EACH YEAR.

### PROOF OF RESIDENCY:

- YOU ARE LISTED IN STREET LIST
- DRIVER'S LICENSE WITH FHVN. ADDRESS
- IF PROPERTY OWNER NEED SLIP FROM ASSESSOR'S OFFICE
- COPY OF UTILITY BILL SHOWING YOUR NAME AND FHVN. ADDRESS

IF YOU DO NOT HAVE THE ABOVE REQUIREMENTS, NO SHELLFISH PERMIT OR LICENSE WILL BE ISSUED.

THANK YOU

## SHELLFISH REGULATIONS

**RECREATIONAL PERMIT:** Permits may be issued to a member of a family who proves to the satisfaction of the licensing authorities that he or she actually physically resides in, or owns, real estate having an assessed value in the Town of Fairhaven, such as summer residence.

**SENIOR CITIZENS PERMIT:** This permit may be issued to those persons that have attained the age of sixty-two (62) and can show to the satisfaction of the licensing authorities that they are domiciled, or own taxable property in the Town of Fairhaven.

**NON-RESIDENTS PERMIT:** This permit may be sold to any resident of the state, who can show to the satisfaction of the licensing authorities, that he or she is domiciled within the State of Massachusetts.

**REQUIRED SHELLFISH CONTAINERS:** Recreational, senior citizens, and non-resident permit holders shall be required to utilize a standard one (1) peck wire basket while taking quahogs, clams, or oysters. Only one (1) basket per permit holder is permitted. Limits one (1) peck per week. (fine-see below)

**SHELLFISH GAUGES:** Gauges for quahog, clam, and oyster measurement shall be used at all times when engaged in shellfishing. (see general shellfishing regulations)

**BAY SCALLOPS:** Scallops may be harvested from November 1 to March 31 between the hours of 7am and 4pm, providing the air temperature is above 28 degrees Fahrenheit. Limit one (1) bushel per week. The harvesting of scallops from April 1 to October 31 is prohibited.

**EELS/SEAWORMS:** May be harvested any day through the season. A recreational permit entitles the holder to set up to three (3) eel traps for recreational use. Traps must be marked with permit number and the floats must also have the permit number affixed to it. The taking of eels less than six (6) inches is prohibited. (fines see below)

**NOTE:** Holders of these permits must adhere to the general shellfish regulations of the Town of Fairhaven. (see following pages)

**FINES:** 1<sup>st</sup> offense: \$25.00 and/or suspension of license or permit for thirty (30) days

2<sup>nd</sup> offense: \$50.00 and/or suspension of license or permit for sixty (60) days

3<sup>rd</sup> offense: \$100.00 and/or suspension of license or permit for ninety days

In the event of a fourth offense, or a licensee or permittee shows total disregard for these rules and regulations, The Board of Selectmen may revoke and cancel the license or permit for a period of time not to exceed two (2) years.

## SHELLFISH REGULATIONS

**COMMERCIAL LICENSES:** All commercial license holders must have a state sellers card, and a catch report in hand, before license will be renewed. A state I.D. number will be recorded on all commercial applications.

**TRANSPORTING SHELLFISH:** All shellfish being transported through Fairhaven waters must be tagged. Tags must include date of harvest, size, area harvested from, your name and state I.D. number.

**BASKETS:** While engaged in shellfishing, all shellfish must be stored in a wire basket, and no basket shall be larger than one (1) bushel.

**BAGS:** For enforcement reasons, burlap bags are not acceptable, clear onion bags must be used for the transportation of shellfish through Fairhaven waters.

**DESIGNATED AREAS:** Limits one and half (1 ½) bushels, of which one (1) bushel may be littleneck. All areas outside the rotation system, with the exception of Little Bay will remain the three (3) bushel limit. Persons shellfishing commercially within the rotation areas will not be allowed to take their limit in these areas and then proceed to fish outside the rotation area for the remainder of the three (3) bushel limit. The rule would act in reverse, whereas a person shellfishing commercially will not be allowed to take part of their limit outside the rotation areas and then proceed to complete the three (3) bushel limit from within a rotation area. (see fines)

**EAST COVE:** The commercial harvest of shellfish from East Coast is prohibited MGL. Chapter 130 Section 52.

**DRY DIGGING:** The dry digging of shellfish is prohibited between and including December 8 and March 31.

**CATCH REPORTS:** A copy of a commercial license holders Massachusetts catch report must be submitted to the Selectmen's Office prior to January 31 of any calendar year.

**LICENSE DISPLAY:** Licenses must be in the possession of the license holders and in plain view on outer clothing or posted on boat or divers flag, in a visible manner while engaged in shellfishing. (see fines)

**EELS/SEAWORMS:** all traps shall be identified with a styrofoam buoy marked with the colors assigned at time of license issuance, and shall have the permit number clearly displayed on the buoy. Wooden buoys or plastic bottles are prohibited. Traps shall not be set in any established navigable channel. Eels less than six (6) inches shall not be taken. Holders of a commercial eel permit shall be required to submit a state catch report indicating the number of pound harvested during the previous twelve (12) months.

## SHELLFISH REGULATIONS

**COMMERICAL LICENSES:** May be sold to individuals who demonstrate to the satisfaction of the licensing authorities that the Town of Fairhaven is their permanent place of domicile. Commercial licenses shall be valid only for the period of time that the holder maintains a permanent place of domicile in the Town of Fairhaven. Licenses are valid from April 1 through March 31. A cap or limit of seventy five (75) licenses only! Shall be issued. Catch reports must be submitted before license will be issued.

**SCUBA DIVING:** the taking of shellfish by use of scuba and snorkel equipment shall be limited to the following conditions: shellfish permits or licenses shall be displayed on a standard divers flag in a visible manner. Shellfish may be harvested by hand only, and the use of any suction and or air tank device, for the purposes of disrupting the sea bottom to expose shellfish shall be prohibited. Divers flags shall be displayed on a boat or surface float, and shall extend a minimum distance of three (3) feet from the surface of the water. Divers shall remain in an area within one hundred (100) feet of such displayed divers flag, while at or near the surface of the water.

**GENERAL RULES AND REGULATIONS:** all shell fishermen under this license must adhere to the general rules and regulations of the Town of Fairhaven.

**FINES:** 1<sup>ST</sup> OFFENSE \$25.00 AND/OR SUSPENSION OF LICENSE OR PERMIT FOR THIRTY (30) DAYS

2<sup>ND</sup> OFFENSE \$50.00 AND/OR SUSPENSION OF LICENSE OR PERMIT FOR SIXTY (60) DAYS

3<sup>RD</sup> OFFENSE \$100.00 AND/OR SUSPENSION OF LICENSE OR PERMIT FOR NINETY (90) DAYS

IN THE EVENT OF A FOURTH OFFENSE OR A LICENSEE OR PERMITEE SHOWS TOTAL DISREGARD FOR THESE RULES AND REGULATIONS, THE BOARD OF SELECTMEN MAY ROVOKE AND CANCEL THE LICENSE OR PERMIT FOR A PERIOD OF TIME NOT TO EXCEED TWO (2) YEARS.

**STUDENT COMMERICAL LICENSE:** may be issued to students between the ages of 15 – 18. Students must show proof that they are in school, and residents of the Town of Fairhaven. Licenses will be valid from June 1<sup>st</sup> to September 30<sup>th</sup> of that year.

**NOTE:** applies to all shellfishing regardless of type of permit or license. Commercial scallop regulations and special regulations covering temporary closings due to pollution, planting, or experimental programs may be established as needed.

## SHELLFISH REGULATIONS

**AUTHORITY:** the following rules and regulations are hereby adopted by authority of Massachusetts general laws chapter 130, section 52 by the Board of Selectmen, Town of Fairhaven. Under the above authority all persons are prohibited from taking eels, clams, quahogs, oysters, scallops, or seaworms from the coastal waters or flats of the Town of Fairhaven, without a current permit issued by the Board of Selectmen of the Town of Fairhaven. Permits and licenses shall be limited to the regulations set forth here in.

**FINES:** 1<sup>ST</sup> OFFENSE \$25.00 AND/OR SUSPENSION OF LICENSE OR PERMIT FOR THIRTY (30) DAYS

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**PERMIT DISPLAY:** permits must be in the possession of the holder and in plain view on outer clothing or posted on a boat or drive flag in a visible manner while engaged in shellfishing.

**AGE LIMIT:** any person over the age of twelve (12) years may obtain a shellfish permit buy no child under the age of twelve (12) years shall take shellfish, eels, or sea worms unless accompanied by an adult holding a permit in which case, said adult will be held responsible for all acts of said child.

**SHELLFISH SIZE LIMITS:** quahogs must have one (1) inch hinge measured by gauge. Clams shall not be taken when they are less than two (2) inches in the longest diameter. Oysters shall not be taken when they are less than three (3) inches in diameter. Scallops shall not be taken unless they have a well defined annual growth ring. The taking or possession of seed shellfish is prohibited.

**SHELLFISH GAUGES:** gauges for quahogs, clams, and oysters shall be used when engaged in shellfishing. (see fines)

**BASKETS:** while engaged in shellfishing all shellfish must be stored in baskets, for noncommercial purposes a one (1) peck basket shall be used, for commercial purposes no basket larder than one (1) bushel shall be used. (see fines)

## SHELLFISH REGULATIONS

**SEED:** all seed shellfish shall be broadcast back onto the area in which they were taken, all seed shellfish above the water line shall be covered before leaving an area and all holes filled.

**CLAMS:** clams may be harvested the first seven (7) days of April, May, September, October, November, and December.

**OYSTERS:** oysters may be harvested from October 1<sup>st</sup> through March 31<sup>st</sup>

**CLOSED AREAS:** Shellfish shall not be removed from any area closed by the Division of Marine Fisheries. Written permission shall be made available for inspection upon demand by any Police Officer, constable, or any other duly authorized officer or agent of the Board of Selectmen. Areas within the rotation system shall be closed from time to time to allow for propagation. Rotation areas will be clearly marked and information on closed areas may be obtained by contacting the Shellfish Constable or the Selectmens office. (see fines)

**NON-TRANSFERABLE:** permits are not transferable and may be suspended or revoked by the Board of Selectmen for any violation of the rules and regulations, general laws, chapter 130, or amendments thereto and subject to rules and regulations of the Town of Fairhaven. (see fines)

**LICENSE/PERMIT RESTRICTIONS:** no person holding a commercial license shall be granted a recreational permit and no person holding a recreational permit shall be granted a commercial license.

**SHOVEL/SPADING FORK:** the use of a shovel or spading fork for the harvesting of shellfish is prohibited. (see fines)

**SURRENDER:** shellfish permits/licenses may be suspended and surrendered upon demand to Shellfish Constables, Natural Resource Officers, Police Officers, or any other duly authorized officer or agent of the Board of Selectmen. Any person required to surrender their permit/license, may, within forty-eight (48) hours of such surrender, appeal to the Board of Selectmen in writing for a hearing. (see fines)

**EXHIBIT FOR INSPECTION:** all persons taking or carrying away or having in their possession, shellfish of any kind, in boat or container, shall exhibit such shellfish for inspection upon demand of Shellfish Constable, natural Resources Officers, Police Officer, or any other duly authorized officer or agent of the Board of Selectmen. (see fines)

**EAST COVE:** East Cove is to be restricted for the exclusive use of recreational permit holders  
**COMMERICAL SHELLFISHING IN THIS COVE IS PROHIBITED!**